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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/622,454	07/21/2003	Hiroaki Furuya	240510US2TTC	5246	
22850	22850 7590 02/22/2006			EXAMINER	
,	VAK, MCCLELLAN	AHMED, SHAMIM			
1940 DUKE S	TREET		******		
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER	
			1765		

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/622,454	FURUYA, HIROAKI				
		Examiner	Art Unit				
		Shamim Ahmed	1765				
	The MAILING DATE of this communication app	ears on the cover sheet	with the correspondence address				
Period fo							
WHIC - Exter after - If NO - Failu Any r	CRTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.1: SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period ver to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 36(a). In no event, however, may will apply and will expire SIX (6) MO , cause the application to become	IICATION. a reply be timely filed  ONTHS from the mailing date of this communic ABANDONED (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on 21 Ju	ılv 2003					
•		action is non-final.					
'	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)🖂	Claim(s) <u>1-4</u> is/are pending in the application.						
-	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)[	5) Claim(s) is/are allowed.						
6)[	Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)⊠	Claim(s) $\underline{\text{1-4}}$ are subject to restriction and/or el	ection requirement.					
Applicati	on Papers						
9)[	The specification is objected to by the Examine	r.					
10) 🔲	The drawing(s) filed on is/are: a)☐ acc	epted or b) objected to	o by the Examiner.				
	Applicant may not request that any objection to the	drawing(s) be held in abey	ance. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the correct	ion is required if the drawir	ig(s) is objected to. See 37 CFR 1.12	21(d).			
11)[	The oath or declaration is objected to by the Ex	aminer. Note the attach	ed Office Action or form PTO-152	2.			
Priority u	inder 35 U.S.C. § 119		·				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
α <sub>λ</sub> ι	1. ☐ Certified copies of the priority documents have been received.						
	Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the prior		<del></del>	•			
•	application from the International Bureau	น (PCT Rule 17.2(a)).	_				
* S	see the attached detailed Office action for a list	of the certified copies no	ot received.				
Attachmen		_					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)		v Summary (PTO-413) o(s)/Mail Date				
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date		f Informal Patent Application (PTO-152)				

Application/Control Number: 10/622,454 Page 2

**Art Unit: 1765** 

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, drawn to a process, classified in class 216, subclass 23.
- II. Claim 4, drawn to an apparatus, classified in class 156, subclass 345.11.

  The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice another and materially different process such as cleaning process instead of etching or etching semiconductor substrate instead of glass etching.
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Surinder Sachar on 2/17/06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Page 3

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/622,454 Page 4

**Art Unit: 1765** 

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shamim Ahmed Primary Examiner Art Unit 1765

SA February 17, 2006